

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Esme Trontz	Team: Squad #16	CCRB Case #: 202103180	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/14/2021 9:20 PM	Location of Incident: Inside of § 87(2)(b)	Precinct: 75	18 Mo. SOL 11/14/2022	EO SOL 11/14/2022	
Date/Time CV Reported Sat, 05/15/2021 2:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/26/2021 10:36 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Christophe Langon	24565	954043	PSA 2
2. POM Andy Rampadarat	05261	967657	PSA 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Mariusz Suchoicki	01395	929225	PSA 2
2. POF Ashley Gonzalez	07511	958647	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A. PO Christophe Langon	Discourtesy: Police Officer Christopher Langon spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B. PO Christophe Langon	Force: Police Officer Christopher Langon used physical force against § 87(2)(b)	§ 87(2)(b)
C. PO Christophe Langon	Force: Police Officer Christopher Langon used physical force against § 87(2)(b)	§ 87(2)(b)
D. PO Christophe Langon	Force: Police Officer Christopher Langon used physical force against § 87(2)(b)	§ 87(2)(b)
E. PO Christophe Langon	Discourtesy: Police Officer Christopher Langon spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F. PO Christophe Langon	Discourtesy: Police Officer Christopher Langon gestured discourteously toward § 87(2)(b)	§ 87(2)(b)
G. POM Andy Rampadarat	Force: Police Officer Andy Rampadarat restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
H. POM Andy Rampadarat	Abuse: Police Officer Andy Rampadarat threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
I. POM Andy Rampadarat	Discourtesy: Police Officer Andy Rampadarat spoke discourteously to § 87(2)(b)	§ 87(2)(b)
J. PO Christophe Langon	Discourtesy: Police Officer Christopher Langon spoke discourteously to § 87(2)(b)	§ 87(2)(b)
K. PO Christophe Langon	Abuse: Police Officer Christopher Langon forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
L. POM Andy Rampadarat	Abuse: Police Officer Andy Rampadarat forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

## Case Summary

§ 87(2)(b) filed this complaint with IAB on May 15, 2021, on behalf of his son, § 87(2)(b) his daughter, § 87(2)(b) and their mother, § 87(2)(b). It was received by the CCRB on May 26, 2021 via IAB log #21-11553.

On May 14, 2021, at approximately 9:20 p.m., § 87(2)(b) called 911 to report that she and her mother, § 87(2)(b) had a dispute with her brother, § 87(2)(b). § 87(2)(b) also reported that § 87(2)(b) had a history of mental illness and suicidal ideations. Police Officers Christopher Langon and Andy Rampadarat from Police Service Area 2 responded to § 87(2)(b) in Brooklyn. Both officers spoke with § 87(2)(b) and § 87(2)(b) in the living room before walking back to § 87(2)(b) bedroom. § 87(2)(b) threw a pen toward Police Officer Langon's foot. Then, Police Officer Langon allegedly said, "I'm not taking this shit," while running toward § 87(2)(b). (**Allegation A: Discourtesy- Word**, § 87(2)(g)). Police Officers Langon then pushed § 87(2)(b) onto his bed a few feet behind him, and he and Police Officer Rampadarat attempted to handcuff him (**Allegation B: Physical Force- Push**, § 87(2)(g)). § 87(2)(b) hugged § 87(2)(b) to try to protect him from the officers, and in response, Police Officer Langon allegedly punched her and § 87(2)(b) in the back and shoulder (**Allegations C and D: Physical Force- Punch**, § 87(2)(g)). § 87(2)(b) eventually got off § 87(2)(b)'s back. While standing at the bedroom doorway, § 87(2)(b) and § 87(2)(b) screamed and said § 87(2)(b) could not breathe. Police Officer Langon yelled, "Get the fuck back!," and allegedly pointed at § 87(2)(b) by making his fingers look like a gun (**Allegation E: Discourtesy- Word**, § 87(2)(g) and **Allegation F: Discourtesy- Gesture**, § 87(2)(g)). Police Officer Langon then slammed the door with § 87(2)(b) and § 87(2)(b) on the other side. In the struggle, the officers and § 87(2)(b) ended up on the floor, where Police Officer Rampadarat allegedly knelt on § 87(2)(b) back, restricting his breathing (**Allegation G: Force- Restricted Breathing**, § 87(2)(g)). While attempting to pull § 87(2)(b)'s arms behind his back to cuff him, Police Officer Rampadarat said, "I'm gonna break your fucking arm if you loosen it" (**Allegation H: Abuse of Authority- Threat of Force**, § 87(2)(g) and **Allegation I: Discourtesy- Word**, § 87(2)(g)). The officers successfully cuffed § 87(2)(b) and he said they "fucked him up," to which Police Officer Langon allegedly told § 87(2)(b) to, "Shut the fuck up" (**Allegation J: Discourtesy- Word**, § 87(2)(g)). EMS arrived at the apartment shortly thereafter and the officers removed § 87(2)(b) to § 87(2)(b) Hospital (**Allegations K and L: Abuse of Authority- Removal to Hospital**, § 87(2)(g)). No one was arrested or summonsed during this incident.

BWC videos from Police Officer Langon (Board Review #01) and Rampadarat (Board Review #02) were received for this incident.

## Findings and Recommendations

**Allegation (A) Discourtesy: Police Officer Christopher Langon spoke discourteously to**

§ 87(2)(b)

**Allegation (B) Force: Police Officer Christopher Langon used physical force against**

§ 87(2)(b)

**Allegation (C) Force: Police Officer Christopher Langon used physical force against**

§ 87(2)(b)

**Allegation (D) Force: Police Officer Christopher Langon used physical force against**

§ 87(2)(b)

**Allegation (E) Discourtesy: Police Officer Christopher Langon spoke discourteously to**

§ 87(2)(b)

**Allegation (F) Discourtesy: Police Officer Christopher Langon gestured discourteously toward § 87(2)(b)**

**Allegation (G) Force: Police Officer Andy Rampadarat restricted § 87(2)(b) breathing.**

**Allegation (H) Abuse of Authority: Police Officer Andy Rampadarat threatened § 87(2)(b) with the use of force.**

**Allegation (I) Discourtesy: Police Officer Andy Rampadarat spoke discourteously to § 87(2)(b)**

**Allegation (J) Discourtesy: Police Officer Christopher Langon spoke discourteously to § 87(2)(b)**

§ 87(2)(b) was interviewed by the CCRB on July 1, 2021 (Board Review #03). § 87(2)(b) was interviewed by the CCRB on July 19, 2021 (Board Review #04). § 87(2)(b) was interviewed by the CCRB on August 30, 2021 (Board Review #05). Police Officer Langon was interviewed by the CCRB on September 23, 2021 (Board Review #19), and Police Officer Rampadarat on September 28, 2021 (Board Review #20).

On May 14, 2021, at approximately 9:20 p.m., § 87(2)(b) his sister § 87(2)(b), and their mother § 87(2)(b) were at home at § 87(2)(b) in Brooklyn when § 87(2)(b) and § 87(2)(b) got into an argument. Fearing that § 87(2)(b) may become violent, § 87(2)(b) called 911. According to the EVENT, this call came over originally as a 52D6, or family dispute (Board Review #06). On the call, § 87(2)(b) told the operator that her brother was arguing with everyone in the house and that he had a past suicidal history. She added that § 87(2)(b) may have been having an outburst, and that she wanted him to go to the hospital. The operator noted in the EVENT information that § 87(2)(b) could be heard yelling and screaming in the background.

Police Officers Christopher Langon and Andy Rampadarat responded to the apartment, where they spoke with § 87(2)(b) and § 87(2)(b) before going back to § 87(2)(b)'s room. § 87(2)(b) testified that she told the officers to be careful with § 87(2)(b) because he was mentally disturbed and could react badly if they were too aggressive with him. Police Officer Langon testified that § 87(2)(b) mentioned § 87(2)(b) had a history of psychotic episodes. § 87(2)(b) entered § 87(2)(b)'s room and stood next to him, Police Officer Langon stood at the threshold of the bedroom door, and Police Officer Rampadarat stood behind him.

As seen at 00:33 in Police Officer Langon's BWC footage, § 87(2)(b) speaks with the officers for about 10 seconds, during which he appears upset (Board Review #01). § 87(2)(b) stated in her interview that at this time, § 87(2)(b) yelled, "What are they doing in the house? I don't want them in the house!," about three or four times. At 00:46 in the BWC, he caps a Sharpie and throws it toward Police Officer Langon's foot, though Police Officer Langon stated in his interview that he did not perceive § 87(2)(b) as a threat until he ran toward the officer with his arms out, as seen at 00:48. In response, Police Officer Langon grabs § 87(2)(b)'s upper arms and pushes him onto his bed so he lands on his back.

§ 87(2)(b) alleged that, as Police Officer Langon ran toward him to push him onto the bed, he said, "I'm not taking this shit." The audio on the BWC doesn't begin until 1:00, so it is not captured on either officer's camera. § 87(2)(b) did not hear Police Officer Langon make this statement, and neither officer recalled whether Police Officer Langon said it.

While Police Officer Langon pushed § 87(2)(b) onto the bed, § 87(2)(b) grabbed § 87(2)(b) to try to shield him from the officers. As seen at 00:53 in Police Officer Langon's

footage, Police Officer Langon tries to grab § 87(2)(b)'s hands while he is on his side and his mother is on top of him. There is no sound yet, but § 87(2)(b) appears to mouth the words, "Get off my mother," multiple times (Board Review #01). § 87(2)(b)'s hands appear to push against Police Officer Langon's and move away from his grasp. Police Officer Rampadarat is seen at 1:00 in his BWC trying to assist from behind (Board Review #01). At 1:00, Police Officer Rampadarat is right behind § 87(2)(b), and he puts his right hand on the right side of her torso. After a few seconds, § 87(2)(b) is seen extending her arm toward her mother's right side as well, and yells at her mother to, "Get off."

§ 87(2)(b) and § 87(2)(b) alleged that at this time, Police Officer Langon punched § 87(2)(b) multiple times in the shoulder, ribs, and back to try to get her off. § 87(2)(b) added that Police Officer Langon punched § 87(2)(b) several times as well. Police Officer Rampadarat testified that he tapped on her back with his hand, which did not seem to hurt her, and then 30 seconds later pushed her shoulder to try to get her off § 87(2)(b). Police Officer Langon testified that neither he nor his partner punched § 87(2)(b). Neither officer is seen punching § 87(2)(b) or § 87(2)(b) in either video, but because of the angle of the cameras and the chaos of the struggle, it is impossible to see Police Officer Langon's right hand or Police Officer Rampadarat's left hand at any point.

After about 15 seconds of struggling on the bed, § 87(2)(b) pushed his mother off him so she would not get hurt. The officers continued struggling to cuff § 87(2)(b) as seen starting at 1:20 in Police Officer Langon's BWC (Board Review #01). Police Officer Langon pulls at § 87(2)(b)'s arms and Police Officer Rampadarat wraps his arms around § 87(2)(b)'s torso from the back as § 87(2)(b) stands up, then falls back onto the bed. At 1:45, Police Officer Langon orders § 87(2)(b) multiple times to give him his hands. During this entire struggle, § 87(2)(b) and § 87(2)(b) are heard screaming in the background, saying, "Please stop," "He's not resisting," and "He can't breathe." § 87(2)(b) also says that he can't breathe. At 1:56, Police Officer Langon turns to § 87(2)(b) and screams, "Get out of here now! Get the fuck back!" He then closes the bedroom door with his foot with § 87(2)(b) and § 87(2)(b) on the other side. Police Officer Langon testified that he told § 87(2)(b) to "Get the fuck out of the room," because he did not know if she was going to try to hurt them or if she had anything in her hands because he could not see them.

§ 87(2)(b) testified that as Police Officer Langon ordered them to get back, he pointed at her with his finger fashioned in the shape of a gun (with his pointer and middle fingers pointed out and thumb straight up). § 87(2)(b) testified that Police Officer Langon merely pointed at § 87(2)(b), and § 87(2)(b) testified that he did not see the officer make any gestures because he was not looking at his hands at the time. Police Officer Langon denied making a finger gun and stated that he merely pointed toward the door with one finger. Police Officer Rampadarat also testified that Police Officer Langon did not make a gun gesture. Police Officer Langon's hand is seen briefly at 1:56 in Police Officer Rampadarat's BWC footage, and two still images from that moment are attached to IA #94 (Board Review #18). While the hand cannot be seen completely, the positioning of his fingers appears to be more like a typical single-digit point, rather than a gun shape.

After § 87(2)(b) and § 87(2)(b) left the room, the officers and § 87(2)(b) somehow ended up on the floor with § 87(2)(b) face-down and his hands behind his back. § 87(2)(b) testified that he stood up, then both officers pushed him somewhere on his body he could not determine, which caused his jaw to hit the floor. Police Officer Rampadarat also testified that § 87(2)(b) stood up at this time, but that he actually fell to the floor because he tried reaching his arm under the bed for an unidentified item. Both officers thought § 87(2)(b) was reaching for

a weapon; Police Officer Rampadarat believed so because of § 87(2)(b)'s behavior. Police Officer Langon could not recall if § 87(2)(b) fell to the ground or if they brought him there. § 87(2)(b) did not state in his interview that he reached for anything under his bed, but he is heard at 2:29 in Police Officer Rampadarat's BWC footage saying that he wants his phone. Police Officer Rampadarat's BWC footage is almost completely black from 2:00 until 2:10, when § 87(2)(b) is seen face-down on the floor next to his bed (Board Review #02). Police Officer Langon's BWC footage does not show the path to the ground either, because it falls off his chest at 2:10 (Board Review #01). § 87(2)(b) and § 87(2)(b) were on the other side of the closed bedroom door at this point, so they could not testify to the way § 87(2)(b) got to the ground.

§ 87(2)(b) alleged that Police Officer Rampadarat then leaned his knee on § 87(2)(b)'s upper back near his neck for about a minute and a half. § 87(2)(b) had trouble breathing, so he said, "I can't breathe!", ten times. He also heard his mother screaming that he could not breathe. From 2:10 to 2:25 in his BWC, Police Officer Rampadarat is seen standing above § 87(2)(b), though because of the angle, it is difficult to determine whether Police Officer Rampadarat was making contact on § 87(2)(b)'s back. (Board Review #02).

As he struggles with § 87(2)(b)'s arms, Police Officer Rampadarat says, "I'm gonna break your fucking arm if you loosen it," as seen at 2:17 in his BWC footage (Board Review #02). At the same time, Police Officer Langon is seen grabbing § 87(2)(b)'s right arm as § 87(2)(b) appears to pull back from him. In his interview, Police Officer Rampadarat testified that he made this statement to make § 87(2)(b) stop reaching for whatever was under the bed and give him his arm.

§ 87(2)(b) alleged that after the officers cuffed him, he said, "Y'all just fucked me up," to which one of the officers said, "Shut the fuck up." This narrative is consistent with what is seen at 2:35 in Police Officer Langon's BWC footage, except that the officer only says, "Shut up," without cursing (Board Review #01).

§ 87(2)(b) alleged that he had bruised ribs from the struggle and a cracked tooth from when he fell on his jaw, and that his mother had bruises from being punched. Neither § 87(2)(b) nor § 87(2)(b) provided photographs of these injuries.

According to Patrol Guide Procedure 221-01, officers are authorized to use a reasonable amount of force to gain compliance from civilians (Board Review #07). Factors that affect the amount of force permitted include actions taken by the subject, the size and age of the subject, whether the subject is actively resisting custody, and the presence of a hostile crowd or agitators. Though officers are generally prohibited from using profanities toward civilians, DCT Case 2015-15012 indicates that profanities used during stressful encounters with civilians do not constitute misconduct (Board Review #09).

No civilian or officer could corroborate § 87(2)(b)'s allegation that Police Officer Langon said, "I'm not taking this shit," when running toward him. Additionally, there is no audio in the first minute of Police Officer Langon's BWC, so the footage cannot confirm or deny § 87(2)(b)'s allegation. § 87(2)(g)

Based on the BWC footage, § 87(2)(g) and § 87(2)(b) angrily ran toward Police Officer Langon with his arms extended, the officer was justified in grabbing his arms and pushing him toward the bed to ensure the safety of the officers while using the minimum amount of force necessary to put him into custody. § 87(2)(g) Although § 87(2)(b) and § 87(2)(b) both alleged that Police Officer Langon punched them both, neither the BWC

footage nor any other testimony could confirm or refute this because the footage was from unclear angles. § 87(2)(g) In addition, it is difficult to tell from BWC footage whether Police Officer Rampadarat is contacting § 87(2)(b)s back. Further, the statements that he, his mother, and his sister made that he could not breathe occurred before and after the officer allegedly leaned on his upper back. § 87(2)(g) no other testimony could confirm or deny § 87(2)(b)s claim that Police Officer Rampadarat leaned on his back and restricted his breathing. § 87(2)(g)

Police Officer Rampadarat's BWC shows Police Officer Langon pointing at § 87(2)(b) with a single finger, rather than in a finger-gun motion, as § 87(2)(b) alleged. Further, § 87(2)(b) who was standing next to § 87(2)(b) stated that Police Officer Langon pointed at § 87(2)(b) without further description. § 87(2)(g)

While the officers may have used a reasonable amount of force to handcuff a resistant § 87(2)(b) Police Officer Rampadarat's threat to break his arm was not reasonable. § 87(2)(b) was merely resisting, rather than physically attempting to hurt the officers, and was clearly under immense psychological distress. Further, despite § 87(2)(b)s resistance, the officers were eventually able to handcuff him without causing him severe injury, so breaking his arm would have been excessive. In addition, the presence of § 87(2)(b)s screaming mother and sister was no longer a stressor after Police Officer Langon closed the bedroom door with them on the other side. § 87(2)(g)

Finally, the chaotic nature of the interaction was undoubtedly a stressful encounter for both officers. Police Officer Langon's order for § 87(2)(b) to "Get the fuck back" was reasonable given that she and her mother were screaming and getting close to the officers while they were struggling to handcuff § 87(2)(b) § 87(2)(g) Likewise, though Police Officer Rampadarat's statement that he would break § 87(2)(b)s arm was unjustified, his use of the word "fucking" in this statement was not excessively disrespectful. Just as Police Officer Langon used "fuck" in the midst of a chaotic screaming episode, Police Officer Rampadarat used "fuck" in response to § 87(2)(b)s prolonged physical and verbal resistance. § 87(2)(g) the BWC footage shows that Police Officer Langon did not say, "Shut the fuck up," to § 87(2)(b) § 87(2)(g)

**Allegation (K) Abuse of Authority: Police Officer Christopher Langon forcibly removed § 87(2)(b) to the hospital.**

**Allegation (L) Abuse of Authority: Police Officer Andy Rampadarat forcibly removed § 87(2)(b) to the hospital.**

During the struggle, § 87(2)(b) stated that he wanted to kill himself, as seen at 3:30 in Police Officer Langon's BWC (Board Review #01). Police Officer Langon testified that at this time, he went over the radio and requested an ambulance to take § 87(2)(b) to the hospital, because of the suicidal statement made § 87(2)(b) an EDP. The EVENT, however, shows that the 911 operator had previously dispatched an ambulance because § 87(2)(b) said § 87(2)(b) had a suicidal history and the operator could hear him screaming in the background (Board Review #06). After the officers pulled his arms behind his back and successfully cuffed him, Police Officer Rampadarat lifted him up by the arms to put him onto his bed. EMS arrived shortly and transported him to § 87(2)(b) Hospital.

Per Patrol Guide Procedure 221-13, an Emotionally Disturbed Person ("EDP") is a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a



police officer reasonably believes is likely to result in serious injury to themselves or others (Board Review #08). Officers are authorized to remove such individuals to the hospital and use restraint to do so, if appropriate.

From § 87(2)(b)'s initial 911 call, it was clear that § 87(2)(b) was at risk of hurting himself, his sister, or his mother. Additionally, § 87(2)(b) wanted § 87(2)(b) to be removed to the hospital. § 87(2)(b) himself told the officers he wanted to kill himself. For the safety of § 87(2)(b) and his family members, the officers were justified in removing him to the hospital to have him evaluated. § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) (Board Review #10), § 87(2)(b) (Board Review #11), § 87(2)(b) (Board Review #12), and § 87(2)(b) (Board Review #13) have been parties.
- Police Officer Langon has been a member-of-service for nine years. This is the first CCRB complaint in which he has been named a subject.
- Police Officer Rampadarat has been a member-of-service for two years. This is the first CCRB complaint in which he has been named a subject.

### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of March 18, 2022, the NYC Office of the Comptroller found no record of any Notices of Claim being filed regarding this complaint (Board Review #14).
- § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

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Squad: 16

Investigator:	<u>Esme Trontz</u>	<u>Inv. Esme Trontz</u>	<u>03/23/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Patrick Yu</u>	<u>IM Patrick Yu</u>	<u>03/24/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date